



AUSTIN CITY COUNCIL
MINUTES

REGULAR MEETING
THURSDAY, DECEMBER 17, 2009

Invocation: Rev. David Boyd, St. David's Episcopal Church

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, December 17, 2009 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:10 a.m.

CONSENT AGENDA

The following items were acted on by one motion. No separate action occurred on any of the items.

1. Approve the Minutes of the Austin City Council regular meeting of December 10, 2009.
The minutes from the meeting of December 10, 2009 were approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
2. Approve an ordinance amending the Fiscal Year 2009-2010 Austin Energy Operating Budget Special Revenue Fund of Ordinance No. 20090914-002 to add four full-time equivalent (FTE) positions to assist in implementation of a federally-funded weatherization program. Funding is available from the Department of Energy (DOE) through the Texas Department of Housing and Community Affairs (TDHCA) as a result of the American Recovery and Reinvestment Act (ARRA) of 2009 for the grant period of October 1, 2009 to August 31, 2011. No match is required. To be reviewed by the Resource Management Commission on December 15, 2009. Recommended by the Electric Utility Commission.
Ordinance No. 20091217-002 was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
3. Approve a resolution adopting certain standards regarding integrated resource planning, rate design, and smart grid information under the Federal Energy Independence and Security Act of 2007. No funding is required. Recommended by the Electric Utility Commission and the Resource Management Commission.
Resolution No. 20091217-003 was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
4. Approve an ordinance authorizing the issuance of City of Austin, Water and Wastewater System Revenue Bonds, Series 2010, in an amount not to exceed \$31,815,000, and approving related documents. \$1,060,000 estimated debt service requirement and \$175 annual paying agent/registrar fee will be provided in the 2012-2013 Proposed Budget of the Utility Revenue Bond Redemption Fund. Recommended by the Water and Wastewater Commission. Related to Item #5.
Ordinance No. 20091217-004 was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

5. Approve an ordinance amending the Fiscal Year 2009-2010 Austin Water Utility Capital Budget of Ordinance 20090914-003 to appropriate \$31,815,000 for the design and construction of the Hornsby Bend Biosolids Plant Upgrades. Funding is from a 30-year no interest loan from the Texas Water Development Board (TWDB) to be funded with Federal Stimulus Dollars as part of the American Recovery and Reinvestment Act of 2009. Recommended by the Water and Wastewater Commission. Related to Item #4.
Ordinance No. 20091217-005 was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
6. Approve the issuance of a Letter of Intent for a rebate to ASSET PLUS for the installation of 481 water efficient toilets at Ashbury Parke Apartments, in an amount not to exceed \$96,200. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission. To be reviewed by the Resource Management Commission on December 15, 2009.
This item was withdrawn on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
7. Approve the issuance of a Letter of Intent for a rebate to COPPER MILL APARTMENT HOMES for the installation of 434 water efficient toilets at the Copper Mill Apartment Homes, in an amount not to exceed \$86,800. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission. To be reviewed by the Resource Management Commission on December 15, 2009.
This item was withdrawn on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
8. Approve the issuance of a Letter of Intent for a rebate to THE FOREST APARTMENTS for the installation of 273 water efficient toilets at The Forest Apartments, in an amount not to exceed \$54,600. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission. To be reviewed by the Resource Management Commission on December 15, 2009.
This item was withdrawn on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
9. Approve the issuance of a Letter of Intent for a rebate to LOGANS MILL for the installation of 322 water efficient toilets at Logans Mill Apartments, in an amount not to exceed \$64,400. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission. To be reviewed by the Resource Management Commission on December 15, 2009.
This item was withdrawn on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
10. Approve the issuance of a Letter of Intent for a rebate to NORTHWEST HILLS for the installation of 364 water efficient toilets at the Northwest Hills Apartments, in an amount not to exceed \$72,800. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission. To be reviewed by the Resource Management Commission on December 15, 2009.
This item was withdrawn on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
11. Approve the issuance of a Letter of Intent for a rebate to ASSET PLUS for the installation of 321 water efficient toilets at Pinto Creek Apartments, in an amount not to exceed \$64,200. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Water Utility. Recommended by the Water

and Wastewater Commission. To be reviewed by the Resource Management Commission on December 15, 2009.

This item was withdrawn on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

12. Approve the issuance of a Letter of Intent for a rebate to ASSET PLUS for the installation of 370 water efficient toilets at Polo Club Apartments, in an amount not to exceed \$74,000. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission. To be reviewed by the Resource Management Commission on December 15, 2009.

This item was withdrawn on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

13. Approve the issuance of a Letter of Intent for a rebate to RESEARCH POINTE APARTMENTS for the installation of 342 water efficient toilets at Research Pointe Apartments, in an amount not to exceed \$68,400. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission. To be reviewed by the Resource Management Commission on December 15, 2009.

This item was withdrawn on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

Item 14 was pulled for discussion.

15. Authorize negotiation and execution of an airport food and beverage concession lease agreement with Brazos Concessions Company/Salt Lick Joint Venture for a term of seven years to operate a market/news and gift shop near the American Airlines ticket counters, two food and beverage venues in the terminal east food court, and a bar located opposite Gate 5. This is a Revenue Generating Lease. Recommended by the Austin Airport Advisory Commission.

The motion authorizing the negotiation and execution of an airport food and beverage concession lease agreement with Brazos Concessions Company/Salt Lick Joint Venture was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

16. Authorize negotiation and execution of an amendment to the airport food and beverage concession lease agreement with Brazos Concessions Company/Salt Lick Joint Venture to grant the concessionaire an option to extend the term by two additional years, to increase the concession fees, and to modify and update other lease terms. This is a Revenue Generating Lease. 25.5% DBE Recommended by the Austin Airport Advisory Commission.

The motion authorizing the negotiation and execution of an amendment to the airport food and beverage concession lease agreement with Brazos Concessions Company/Salt Lick Joint Venture was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

17. Authorize negotiation and execution of an amendment to the airport retail concession lease agreement with Delaware North Companies Travel Hospitality Services, Inc./ JMP Enterprises, Inc. and The Robena Jackson Agency, J.V. to grant the concessionaire an option to extend the term for up to five additional years, to increase the concession fees, to refurbish and to modify the concession venues, and to modify and update other lease terms. This is a Revenue Generating Lease. Recommended by the Austin Airport Advisory Commission.

The motion authorizing the negotiation and execution of an amendment to the airport retail concession lease agreement with Delaware North Companies Travel Hospitality Services, Inc./JMP Enterprises, Inc. and The Robena Jackson Agency, J.V. was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

18. Authorize negotiation and execution of an amendment to the airport retail concession lease agreement with News and Gift Shops International-Austin Joint Venture to grant the concessionaire options to extend the term for up to five additional years, to increase the concession fees, to refurbish and to modify the concession venues, and to update other lease terms. This is a Revenue Generating Lease. Recommended by the Austin Airport Advisory Commission.
The motion authorizing the negotiation and execution of an amendment to the airport retail concession lease agreement with News and Gift Shops International-Austin Joint Venture was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 6-0-1 vote. Mayor Pro Tem Martinez abstained.
19. Authorize the negotiation and execution of the fee simple acquisition of 10,850 square feet out of Lot 1, Block D, Deerfield at Brodie Subdivision Section II, a subdivision, recorded in Document No. 199900293, of the Official Public Records of Travis County, Texas, located at 8906 Brodie Lane and 92,992 square feet out of a 2.135 acres of land out of the Samuel W. Hamilton Survey No. 16, Abstract No. 340 in Travis County, Texas, and being out of and a portion of that called 77.641 acre tract of land described in a deed recorded in Volume 12340, Page 1277, Real Property Records of Travis County, Texas, located at 8700 Brodie Lane from W.W. DEERFIELD, Ltd., a Texas Limited Partnership for the Davis/Deer Lane Improvements Brodie Lane to Corran Ferry Drive, in the amount of \$250,299 for the land, plus closing costs for an amount not to exceed \$300,299. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Public Works Department.
The motion authorizing the negotiation and execution of the fee simple acquisition of property located at 8700 Brodie Lane from W.W. Deerfield, Ltd. was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

Item 20 was pulled for discussion.

21. Authorize the negotiation and execution of contracts for the acquisition for the Austin West Campus Water Improvement Area Project of a temporary staging area and a material storage site easement of 17,328 square feet of land out of Lots: 1-3, Block 59 and an additional portion of .471 AC OLT Block 59 of Graham's Addition situated in Travis County, Texas, according to the map or plat thereof, recorded in Volume 57, Page 99, of Plat Records of Travis County, Texas located at 2600 San Pedro St. from WEST CAMPUS 26TH LP, Austin, TX, Travis County, in the amount not to exceed \$100,500. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility.
The motion authorizing the negotiation and execution of contracts for the acquisition of a temporary staging area and a material storage site easement was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
22. Approve the negotiation and execution of the acquisition for the Town Lake - E. 4th Street Storm Drain Improvements Program of a permanent wastewater easement comprised of 1,366 square-feet, a permanent storm sewer easement comprised of 1,740 square-feet and a temporary work space easement comprised of 520 square-feet out of Outlots 9 and 10, Division A, in Travis County, Texas, located at 2200 East 6th Street, Austin, Travis County, Texas, from THE BOARD OF REGENTS OF THE UNIVERSITY OF TEXAS SYSTEM in the amount not to exceed \$81,550. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Watershed Protection Department.
The motion authorizing the negotiation and execution of the acquisition of a permanent wastewater easement, a permanent storm sewer easement, and a temporary work space easement from the Board of Regents of the University of Texas System was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
23. Authorize negotiation and execution of an Agreement with MAC, INC., Austin, TX, for the ADA sidewalk and ramp improvements in Central East Austin in an amount not to exceed \$194,192. Funding is

available in the Fiscal Year 2009-2010 Capital Budget of the Public Works Department. Best Value to the City of Austin of five (5) proposals received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 11.68% MBE and 5.40% WBE subcontractor participation.

The motion authorizing the negotiation and execution of an agreement with MAC, Inc. was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

24. Authorize execution of a construction contract with T. MORALES ELECTRIC AND CONTROLS, LTD (MBE/MH - 89.60%), Florence, TX, for the replacement and installation of Supervisory Control and Data Acquisition (SCADA) equipment at seventeen (17) of Austin Water's lift station sites, for an amount not to exceed \$477,400. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Lowest bid of two (2) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 89.60% MBE prime participation and 2.28% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

The motion authorizing the execution of a construction contract with T. Morales Electric and Controls, Ltd. was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

Item 25 was pulled for discussion.

26. Authorize execution of a construction contract with CHASCO CONSTRUCTORS, LTD., L.L.P., Round Rock, TX, for the Hornsby Bend Biosolids Management Facility - New Concrete Compost Pad in the amount of \$6,318,000 plus a \$631,800 contingency, for a total contract amount not to exceed \$6,949,800. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Lowest bid of five (5) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through the achievements of Good Faith Efforts with 2.70% MBE and 8.66% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

The motion authorizing the execution of a construction contract with Chasco Constructors, Ltd., L.L.P. was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

27. Authorize execution of a construction contract with MATOUS CONSTRUCTION, LTD., Belton, TX, for the Hornsby Bend Biosolids Management Plant Digester Improvements and Sustainability Project - REBID in the amount of \$25,410,000 plus a \$2,541,000 contingency, for a total contract amount not to exceed \$27,951,000. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility, pending action to amend the capital budget on December 17, 2009. Lower bid of two (2) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through the achievements of Good Faith Efforts with 10.65% MBE and 0.17% WBE subcontractor participation. A briefing was presented to the Water and Wastewater Commission.

The motion authorizing the execution of a construction contract with Matous Construction, Ltd. was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

28. Authorize execution of Change Order #3 to the construction contract with PATIN CONSTRUCTION, LLC, Hutto, TX, for the 23rd Streetscape Improvements in the amount of \$69,996.25, for a total contract amount not to exceed \$939,149.91. Funding in the amount of \$19,726.25 is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Funding in the amount of \$50,270 is available in the Fiscal Year 2009-2010 Capital Budget of the Planning and Development Review Department. This

contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 9.64% MBE and 0.99% WBE subcontractor participation to date including this change order. Recommended by the Water and Wastewater Commission.

The motion authorizing the execution of change order number three to the construction contract with Patin Construction, LLC was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

29. Authorize execution of a construction contract with CASH CONSTRUCTION, Pflugerville, TX, for the East 7th Street Improvements - Navasota Street to Northwestern Avenue Project in the amount of \$6,479,080 plus a \$323,954 contingency, for a total contract amount not to exceed \$6,803,034. Funding in the amount of \$1,921,469.36 is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Funding in the amount of \$3,820,264.71 is available in the Fiscal Year 2009-2010 Capital Budget of the Public Works Department. Funding in the amount of \$1,061,299.93 is available in the Fiscal Year 2009-2010 Capital Budget of the Planning and Development Review Department. Lowest bid of six (6) bids received. This contract will be awarded in compliance with the requirements of 49 CFR Part 26 (Disadvantaged Business Enterprise Program) and Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goal with 7.48% DBE subcontractor participation. Briefings were presented to the Design Commission, Urban Transportation Commission, Land and Facilities Subcommittee, and Parks and Recreation Board. Recommended by the Water and Wastewater Commission.

The motion authorizing the execution of a construction contract with Cash Construction was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

30. Authorize execution of a construction contract with CAPITAL EXCAVATION, Austin, TX, for the East 7th Street Improvements - Northwestern Avenue to Pleasant Valley Road Project in the amount of \$4,501,486.36 plus a \$225,074.32 contingency, for a total contract amount not to exceed \$4,726,560.68. Funding in the amount of \$1,053,727.16 is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Funding in the amount of \$2,013,276.04 is available in the Fiscal Year 2009-2010 Capital Budget of the Public Works Department. Funding in the amount of \$1,659,557.48 is available in the Fiscal Year 2009-2010 Capital Budget of the Planning and Development Review Department. Lowest bid of six (6) bids received This contract will be awarded in compliance with the requirements of 49 CFR Part 26 (Disadvantaged Business Enterprise Program) and Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through the achievements of Good Faith Efforts with 4.15% DBE subcontractor participation. Briefings were presented to the Design Commission, Urban Transportation Commission, Land and Facilities Subcommittee, and Parks and Recreation Board. Recommended by the Water and Wastewater Commission.

The motion authorizing the execution of a construction contract with Capital Excavation was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

31. Authorize execution of a construction contract with AUSTIN ENGINEERING CO., INC., Austin, TX, for the South IH-35 Water Transmission Main, Segment 4 in the amount of \$717,222.50 plus a \$35,861.13 contingency for a total contract amount not to exceed \$753,083.63. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Lowest bid of the nine (9) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 7.03% MBE and 2.60% WBE subcontractor participation. Recommended by the Water and Wastewater Commission.

The motion authorizing the execution of a construction contract with Austin Engineering Co., Inc. was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

32. Authorize execution of a construction contract with LASSEN, INC. d/b/a MIKE LARSEN CO., Austin, TX, for the Central East Austin ADA Sidewalk and Ramp Improvements (CDBG) in the amount of \$226,041.77 plus a \$22,604.18 contingency, for a total contract amount not to exceed \$248,645.95. Funding is available in the Community Development Block Grant Recovery Funds Fiscal Year 2009-2010 Neighborhood Housing and Community Development budget allocation under the Public Facilities Program. Lowest bid of six (6) bids received. This contract will be awarded in compliance with the requirements of 49 CFR Part 26 (Disadvantaged Business Enterprise Program) and Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goal with 19.61% DBE subcontractor participation.

The motion authorizing the execution of a construction contract with Lassen, Inc. doing business as Mike Larsen Co. was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

33. Authorize execution of a construction contract with SMITH CONTRACTING CO., INC, Austin, TX for Second Street Phase 2, Colorado Street to Congress Avenue in the amount of \$2,859,040 plus a \$285,904 contingency, for a total contract amount not to exceed \$3,144,944. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Planning and Development Review Department. Lowest bid of six (6) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 10.78% MBE and 4.23% WBE subcontractor participation.

The motion authorizing the execution of a construction contract with Smith Contracting Co., Inc. was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

34. Authorize execution of a construction contract with J.R. SCHNEIDER CONSTRUCTION, INC., Austin, TX, for the Zilker Park Landfill Drainage Improvements project in the amount of \$371,597.58 plus an \$18,579.88 contingency, for a total contract amount not to exceed \$390,177.46. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Solid Waste Services Department. Lowest bid of nine (9) bids received. This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 8.13% MBE and 4.41% WBE subcontractor participation. Reviewed by the Solid Waste Advisory Commission.

The motion authorizing the execution of a construction contract with J.R. Schneider Construction, Inc. was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

35. Authorize negotiation and execution of a professional services agreement with CAMP DRESSER & MCKEE (CDM), INC., Austin, TX, to provide engineering services for the Hornsby Bend Biosolids Management Plant Master Plan in an amount not to exceed \$1,500,000. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Best qualification statement of five (5) statements received. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 16.0% MBE and 15.8% WBE subcontractor participation. Reviewed by the Water and Wastewater Commission.

The motion authorizing the negotiation and execution of a professional services agreement with Camp Dresser & McKee (CDM), Inc. was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

36. Authorize negotiation and execution of a professional services agreement with the following four firms: HDR ENGINEERING, INC., Austin, TX; LNV, INC. (MBE/MH), Austin, TX; PBS&J, Austin, TX, and CPM (MBE/FB), Austin, TX for the Construction Inspection Services Rotation List for various Capital Improvement Projects for an estimated period of two years or until financial authorization is expended, each agreement in an amount not to exceed \$375,000 per firm, with the total amount for the four agreements not to exceed \$1,500,000. Funding is available in the Fiscal Year 2009-2010 Capital and/or Operating Budgets of the various departments for which services are needed. Best four (4) qualification statements of eighteen (18) received. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. **The motion authorizing the negotiation and execution of a professional services agreement with: HDR Engineering, Inc., LNV, Inc., PBS&J, and CPM was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
37. Authorize negotiation and execution of a professional services agreement with SEBESTA BLOMBERG & ASSOCIATES, INC., Irving, TX, for professional engineering commissioning services for the New Central Library in an amount not to exceed \$800,000. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Library Department. Best qualification statement of twelve (12) statements received. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. **The motion authorizing the negotiation and execution of a professional services agreement with Sebesta Blomberg & Associates, Inc. was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
38. Authorize negotiation and execution of an amendment to the professional services agreement with PARSONS WATER & INFRASTRUCTURE, INC., Austin, TX, for construction phase engineering services and construction inspection for the Downtown Wastewater Tunnel Project in the amount of \$5,288,039, for a total contract amount not to exceed \$10,510,910. Funding is included in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 20.43% MBE and 11.25% WBE subconsultant participation to date. Reviewed by the Water and Wastewater Commission. **The motion authorizing the negotiation and execution of an amendment to the professional services agreement with Parsons Water & Infrastructure, Inc. was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
39. Authorize the City Manager to negotiate and execute an Amendment to the Lease Agreement with Greater Austin Performing Arts Center, Inc., d/b/a "The Long Center". **The motion authorizing the City Manager to negotiate and execute an amendment to the lease agreement with Greater Austin Performing Arts Center, Inc., doing business as The Long Center was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
40. Approve execution of an Interlocal Agreement with the UNIVERSITY OF TEXAS for the use of Sporting Events Trust Funds, a program established by the State of Texas to assist local government entities to attract major sporting events to increase tourism and generate economic activity. **The motion authorizing the execution of an interlocal agreement with the University of Texas was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 6-0-1 vote. Council Member Spelman recused himself.**

41. Approve an ordinance vacating the west half of San Antonio Street between 4th and 5th Streets; authorizing the City Manager to negotiate and execute a master agreement with the United States General Services Administration (GSA) to allow certain streets right-of-way to be used for the new federal courthouse project; amending Chapter 12-1 of the City Code to prohibit vehicular traffic and limit where utilities may be placed; providing for the use of funds from GSA; and waiving or crediting certain fees and requirements. No unanticipated financial impact. Urban Transportation Commission recommended approval of San Antonio Street vacation on 09/08/2009; Zoning and Platting Commission recommended approval of San Antonio Street vacation on September 15, 2009.
Ordinance No. 20091217-041 was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 6-1 vote. Council Member Riley voted no.

42. Approve a resolution naming the 2010 inductees to the Austin Music Memorial. There is no unanticipated fiscal impact. A fiscal note is not required. Recommended by the Austin Music Commission.
Resolution No. 20091217-042 was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

Item 43 was pulled for discussion.

44. Approve a resolution authorizing the negotiation and execution of federal representation services contracts for a total combined amount not to exceed \$270,000. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Government Relations Office.
Resolution No. 20091217-044 was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

45. Approve a resolution authorizing the negotiation and execution of contracts for representation services for a total combined amount not to exceed \$740,000. Funding is available in the Fiscal Year 2009-2010 Operating Budgets of the Government Relations Office, the Solid Waste Services Department, the Austin Water Utility, and Austin Energy.
Resolution No. 20091217-045 was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

46. Approve an ordinance amending Chapter 2-1-102 of the City Code (Animal Advisory Commission) expanding the role and responsibilities of the Animal Advisory Commission.
Ordinance No. 20091217-046 was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

Item 47 was pulled for discussion.

48. Approve negotiation and execution of two contracts to increase funding for the following providers of Ryan White Part A HIV Emergency Relief Grant Program mental health services: Amendment No. 3 to the contract with WATERLOO COUNSELING CENTER, INC., in an amount not to exceed \$14,143 for an annual contract amount not to exceed \$69,769 for the period March 1, 2009 through February 28, 2010, with one 12-month renewal option in an amount not to exceed \$69,769, for a total contract amount not to exceed \$139,538; and Amendment No. 2 to the contract with WRIGHT HOUSE WELLNESS CENTER, in an amount not to exceed \$14,143 for an annual contract amount not to exceed \$128,765 for the period March 1, 2009 through February 28, 2010, with one 12-month renewal option in an amount not to exceed \$128,765, for a total contract amount not to exceed \$257,530. Funding in the amount of \$28,286 is available in the Fiscal Year 2008-2009 Operating Budget of the Health and Human Services Department Special Revenue Fund, Ryan White Part A HIV Emergency Relief Services grant. The grant period is March 1, 2009 to February 28, 2010.
The motion authorizing the negotiation and execution of amendment number three to the contract with Waterloo Counseling Center, Inc. and amendment number two to the contract with Wright

House Wellness Center was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

Items 49 and 50 were pulled for discussion.

51. Approve an ordinance accepting \$1,200,000 from a Master Agreement with the United States General Services Administration; and amending the Fiscal Year 2009-2010 Parks and Recreation Department Capital Budget of Ordinance No. 200909014-003 to appropriate \$1,200,000 for improvements to Republic Square Park. Funding is available from the United States General Services Administration.
Ordinance No. 20091217-051 was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
52. Approve an ordinance amending Ordinance No. 20090827-074 to correct the legal description for the property locally known as 8002 Research Boulevard (C14-2009-0044).
Ordinance No. 20091217-052 was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
53. Approve second and third readings of an ordinance amending Chapter 25-1 of the City Code relating to neighborhood plan amendments.
Ordinance No. 20091217-053 was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
54. Approve a resolution consenting to the annexation of 33.93 acres into Moore's Crossing Municipal Utility District ("MUD"). There are no expenditures incurred by the City of Austin for this action. The landowner or MUD will incur all expenses for service to the tracts. Recommended by Planning Commission and Water and Wastewater Commission.
Resolution No. 20091217-054 was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

Item 55 was reconsidered later in the meeting.

56. Approve an ordinance regarding a Managed Growth Agreement with SP Meadows South, Ltd., for a project known as Southpark Meadows Shopping Center, located at 9900 S. IH-35 SVRD, SB.
Ordinance No. 20091217-056 was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
57. Approve a resolution amending the City's Municipal Annexation Plan (MAP) to include the North Austin MUD annexation area (approximately 977 acres located at the northwest corner of Parmer Lane and McNeil Drive) and to remove the River Place municipal annexation area that was included December 31, 2008. Including an area in the Municipal Annexation Plan does not create an obligation to annex an area and does not have a fiscal impact. It begins a three-year process that may lead to annexation.
Resolution No. 20091217-057 was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
58. Authorize negotiation and execution of an Advance Funding Agreement between the City of Austin and the Texas Department of Transportation to relocate and replace waterlines and install new facilities as part of the State's contract to widen State Highway 71 from west of Arroyo Canyon to west of Southwest Parkway. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Recommended by Water and Wastewater Commission.
The motion authorizing the negotiation and execution of an advance funding agreement between the City of Austin and the Texas Department of Transportation was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

59. Authorize award and execution of a 12-month requirements service contract through State of Texas Department of Information Resources (DIR), with ADJACENT TECHNOLOGIES, INC., Austin, TX for the purchase of document and records imaging services for Austin Energy in an estimated amount not to exceed \$250,000, with four 12-month extension options in an estimated amount not to exceed \$250,000 per extension option, for a total estimated contract amount not to exceed \$1,250,000. Funding in the amount of \$187,500 is available in the Fiscal Year 2009-2010 Operating Budget of Austin Energy. Funding for the remaining three months of the original contract period and extension options is contingent upon available funding in future budgets. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation. Recommended by the Electric Utility Commission.
- The motion authorizing the award and execution of a requirements service contract through the State of Texas Department of Information Resources (DIR) with Adjacent Technologies, Inc. was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
60. Authorize award, and execution of Amendment No. 3 to the contract with OPEN SYSTEMS INTERNATIONAL, INC., Minneapolis, MN, for the purchase of Generation Management System (GMS) software, annual maintenance and support, and implementation by increasing the contract authorization for the two remaining extension options in an estimated amount not to exceed \$150,000 per extension option, and adding three additional 12-month extension options in an estimated amount not to exceed \$150,000 per extension option, for a revised total estimated contract amount not to exceed \$1,895,227. Funding in the amount of \$150,000 is available in the Fiscal Year 2009-2010 Capital Budget of Austin Energy. Funding for the remaining extension options is contingent upon available funding in future budgets. Contract Amendment. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.
- This item was withdrawn on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
61. Authorize award and execution of a 12-month requirements supply contract with POWER SUPPLY INC., Austin, TX, for the purchase of pre-assembled distribution capacitor banks in an estimated amount not to exceed \$483,020, with four 12-month extension options in an estimated amount not to exceed \$483,020 per extension option, for a total estimated contract amount not to exceed \$2,415,100. Funding in the amount of \$402,517 is available in the Fiscal Year 2009-2010 Operating Budget of Austin Energy. Funding for the remaining two months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid meeting specification of four bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.
- The motion authorizing the award and execution of a requirements supply contract with Power Supply Inc. was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
62. Authorize award, negotiation, and execution of Amendment No. 1 to the requirements service contract with POWERPLAN CONSULTANTS INC., Chicago, IL for the purchase of computer software products and support services in an estimated amount not to exceed \$1,000,000, for a revised total estimated contract amount not to exceed \$1,663,500. Funding in the amount of \$1,000,000 is available in the Fiscal

Year 2009-2010 Capital Budget of Austin Energy. Contract Amendment. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.

The motion authorizing the award, negotiation and execution of amendment number one to the requirements service contract with PowerPlan Consultants Inc. was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

63. Approve award, negotiation, and execution of a 12-month contract with WORTHAM INSURANCE & RISK MANAGEMENT, Houston, TX to provide insurance services for the procurement of Excess Liability insurance through Associated Electric & Gas Insurance Services Limited (AEGIS), in an estimated amount not to exceed \$633,603, with six 12-month extension options in estimated amounts not to exceed \$697,073, \$766,780, \$843,458, \$927,804, \$1,020,584, and \$1,122,642 respectively for a total estimated contract amount not to exceed \$6,011,944. Funding in the amount of \$633,603 is available in the Fiscal Year 2009-2010 Operating Budget of Austin Energy. Funding for the extension options will be contingent upon available funding in future budgets. Sole proposal received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Electric Utility Commission.
- The motion authorizing the award, negotiation and execution of a contract with Wortham Insurance & Risk Management was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
64. Authorize award, negotiation, and execution of Amendment No. 1 to the requirements supply and services contract through the STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES (DIR), for the purchase of additional computer software products including implementation and consulting services, software, and maintenance and support for the IBM Maximo project by increasing the contract authorization in an estimated amount not to exceed \$6,000,000, for a revised total estimated contract amount not to exceed \$16,536,384. Funding in the amount of \$6,000,000 is available in the Fiscal Year 2009-2010 Capital Budget of Austin Energy. Contract Amendment. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation. Although this contract was awarded as a no goals project, IBM has identified subcontracting opportunities with 19.10% MBE and 1.50 WBE%. Recommended by the Electric Utility Commission.
- The motion authorizing the award, negotiation and execution of amendment number one to the requirements supply and services contract through the State of Texas Department of Information Resources (DIR) was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
65. Authorize award and execution of a 36-month requirements supply and service contract with TED'S TREES, LTD, Austin, TX for tree supply and planting services, tree watering services, and irrigation installation services in an estimated amount not to exceed \$837,906. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Water Utility. Lowest bid meeting specifications of six bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Water & Wastewater Commission.
- The motion authorizing the award and execution of a requirements supply and service contract with Ted's Trees, Ltd was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

66. Authorize award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with UNDERGROUND, INC., Pearland, TX, for the purchase of Cues sewer inspection camera system equipment in an amount not to exceed \$85,094.60. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Water Utility. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation. Recommended by the Water and Wastewater Commission.
The motion authorizing the award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with Underground, Inc. was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
67. Authorize award, negotiation, and execution of Amendment No. 8 to a professional services contract with AECOM DESIGN, Albuquerque, NM, to increase and extend the contract for up to eight months for additional construction administration services for the security system upgrade at Austin Bergstrom International Airport in an amount not to exceed \$106,000, with an additional \$244,000 contingency, for a total contract amount not to exceed \$1,055,736. Funding in the amount of \$350,000 is available in the Fiscal Year 2009-2010 Capital Budget of the Department of Aviation. Contract Amendment. This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Recommended by the Austin Airport Advisory Commission.
The motion authorizing the award, negotiation and execution of amendment number eight to a professional services contract with Aecom Design was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
68. Authorize award and execution of a 24-month requirements supply contract through the Texas Multiple Award Schedule (TXMAS) with ROCKFORD BUSINESS INTERIORS, Austin, TX for the purchase of furniture and fixtures for offices, conference rooms, and reception areas in an amount not to exceed \$615,175. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Austin Convention Center Department. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation.
The motion authorizing the award and execution of a requirements supply contract through the Texas Multiple Award Schedule (TXMAS) with Rockford Business Interiors was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
69. Authorize award and execution of a 36-month requirements services contract with MOTOROLA COMMUNICATIONS AND SERVICES, Austin, TX for two-way communications equipment repair services in an estimated amount not to exceed \$180,000, with three 12-month extension options in estimated amounts not to exceed \$66,000 for the first extension option, \$72,600 for the second extension option, and \$79,860 for the third extension option, for a total estimated contract amount not to exceed \$398,460. Funding in the amount of \$49,500 is available in the Fiscal Year 2009-2010 Financial and Administrative Services Department, Wireless Services Division Operating Budget. Funding for the remaining 26 months of the contract and extension options is contingent upon future funding in future budgets. Sole Source. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
The motion authorizing the award and execution of a requirements services contract with Motorola Communications and Services was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

70. Authorize award, negotiation, and execution of Amendment No. 10 to a contract with MOTOROLA COMMUNICATIONS AND ELECTRONICS, INC., Austin, TX, to increase the contract in an amount not to exceed \$1,056,800 for the purchase of subscriber radio equipment, add-on radios for new positions and vehicles, budgeted system upgrades, replacement units and related equipment and services for City departments for a revised total contract amount not to exceed \$98,900,732. Funding in the amount of \$731,300 is available in the Fiscal Year 2009-2010 Capital Budget of the Financial and Administrative Services Department, Communications and Technology Management, Wireless Division. Funding in the amount of \$159,500 is available in the Fiscal Year 2009-2010 Capital Budget of Austin Energy. Funding in the amount of \$116,000 is available in the Fiscal Year 2009-2010 Operating Budget of the Aviation Department. Funding in the amount of \$50,000 is available in the Fiscal Year 2009-2010 Operating Budget of Austin Water Utility. Contract Amendment. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. Although no goals were set for equipment purchases, Motorola has agreed to comply with the MBE/WBE Procurement Program through good faith efforts. For the infrastructure portion of the contract over Fiscal Year 2008-2009, Motorola achieved 9.5% MBE participation and 5.9% WBE participation. Motorola will work with the Small & Minority Business Resources Department to obtain MBE/WBE availability lists in the event additional subcontracting opportunities should arise. Recommended by the Electric Utility Commission.
- The motion authorizing the award, negotiation and execution of amendment number ten to a contract with Motorola Communications and Electronics, Inc. was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

Items 71 and 72 were pulled for discussion.

73. Authorize award and execution of a 24-month requirements supply contract with CARDIO VASCULAR CONCEPTS, INC., Arlington, TX for the purchase of EZ-IO(r) intraosseous infusion supplies for the Emergency Medical Services Department in an estimated amount not to exceed \$400,000, with two 12-month extension options in an estimated amount not to exceed \$200,000 per extension option, for a total estimated contract amount not to exceed \$800,000. Funding in the amount of \$167,000 is available in the Fiscal Year 2009-2010 Operating Budget of the Emergency and Medical Services Department. Funding for the remaining 14 months of the original contract and extension options is contingent upon available funding in future budgets. Sole Source. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
- The motion authorizing the award and execution of a requirements supply contract with Cardio Vascular Concepts, Inc. was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
74. Authorize award and execution of four 12-month requirements supply contracts with QUADMED, INC., Jacksonville, FL, MIDWEST MEDICAL SUPPLY CO., INC., Earth City, MO, PHYSIO-CONTROL, INC., Redmond, WA, and BOUND TREE MEDICAL, Dublin, OH for cardiac monitor/defibrillators supplies for the Emergency Medical Services Department in estimated amounts not to exceed \$628,622, \$39,481, \$21,000 and \$9,923 respectively, with two-12 month extension options in estimated amounts not to exceed \$628,622, \$39,481, \$21,000 and \$9,923 respectively per extension option, for total estimated contract amounts not to exceed \$1,885,866, \$118,443, \$63,000 and \$29,769 respectively. Funding in the amount of \$524,270 is available in the Fiscal Year 2009-2010 Operating Budget of the Emergency Medical Services Department. Funding for the three remaining months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bids of four bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority

Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the award and execution of requirements supply contracts with: QuadMed, Inc.; Midwest Medical Supply Co., Inc.; Physio-Control, Inc.; and Bound Tree Medical was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

75. Authorize award and execution of a 36-month requirements supply contract with MILLER UNIFORMS & EMBLEMS INC., Austin, TX, for the purchase of fire retardant uniform shirts and trousers in an estimated amount not to exceed \$427,485, with three 12-month extension options in an estimated amount not to exceed \$142,495 per extension option, for a total estimated contract amount not to exceed \$854,970. Funding in the amount of \$106,871 is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Fire Department. Funding for the remaining 27 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid meeting specifications of two bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
- The motion authorizing the award and execution of a requirements supply contract with Miller Uniforms & Emblems Inc. was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
76. Authorize award and execution of a 36-month requirements service contract with AUS-TEX TOWING AND RECOVERY, LLC, Pflugerville, TX to provide towing services for Fleet Services in an estimated amount not to exceed \$910,000, with three 12-month extension options in estimated amounts not to exceed \$432,000 for the first extension option, \$518,400 for the second extension option, and \$622,080 for the third extension option, for a total estimated contract amount not to exceed \$2,482,480. Funding in the amount of \$208,333 is available in the Fiscal Year 2009-2010 Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the remaining 26 months of the original contract period and extension options is contingent upon available funding in future budgets. Best evaluated bid of two bids received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
- The motion authorizing the award and execution of a requirements service contract with Aus-Tex Towing and Recovery, LLC was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
77. Authorize award and execution of a 36-month requirements supply contract with SPARTAN CHASSIS, INC., Mesquite, TX to provide captive repair parts for Spartan fire apparatus chassis in an estimated amount not to exceed \$252,200, with three 12-month extension options in estimated amounts not to exceed \$97,020 for the first extension option, \$106,722 for the second extension option, and \$117,394 for the third extension option, for a total estimated contract amount not to exceed \$573,336. Funding in the amount of \$60,000 is available in the Fiscal Year 2009-2010 Operating Budget of the Financial and Administrative Services Department, Fleet Fund. Funding for the remaining 27 months of the original contract period and extension options is contingent upon available funding in future budgets. Lowest bid of two bids received. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.
- The motion authorizing the award and execution of a requirements supply contract with Spartan Chassis, Inc. was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

78. Authorize award, negotiation, and execution of a contract with Allied North America Insurance Brokerage of Texas, LLC, Dallas, TX, to administer the Rolling Owner Controlled Insurance Program (ROCIP V) for an estimated amount of \$1,600,000. The contract also authorizes the administrator to negotiate and purchase workers' compensation, general liability, and excess liability insurance coverage for which the City would pay an estimated amount of \$13,700,000 to provide coverage for contractors participating in ROCIP V. The total cost of the contract is estimated to be \$15,300,000. Funding is available in the Fiscal Year 2009-2010 Capital Budgets of Austin Water Utility, Parks and Recreation Department, and the Library Department. Funding for the entire contract is contingent upon funding in future budgets. Funding is provided by specific CIP funds from participating projects. Best evaluated proposal of six proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation. **The motion authorizing the award, negotiation and execution of a contract with Allied North America Insurance Brokerage of Texas, LLC was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
79. Authorize award, negotiation, and execution of a 12-month service agreement with SAFETY SOLUTIONS, INC., Austin, TX to provide safety program management services for \$735 Million in construction projects anticipated to be included in the Rolling Owner Controlled Insurance Program (ROCIP V) in an estimated amount of \$89,625. Funding is available in the Fiscal Year 2009-2010 Capital Budgets of Austin Water Utility, Parks and Recreation Department, and the Library Department. Best evaluated proposal of four proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. **The motion authorizing the award, negotiation and execution of a service agreement with Safety Solutions, Inc. was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
80. Authorize award and execution of a 33-month requirements supply contract through the Texas Multiple Award Schedule (TXMAS) with RED WING SHOE COMPANY, INC., Red Wing, MN, for the purchase of safety shoes and boots in an estimated amount not to exceed \$993,750. Funding in the amount of \$243,750 is available in the Fiscal Year 2009-2010 Operating Budgets of various City departments. Funding for the remaining 24 months of the original contract period is contingent upon available funding in future budgets. This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation. **The motion authorizing the award and execution of a requirements supply contract through the Texas Multiple Award Schedule (TXMAS) with Red Wing Shoe Company, Inc. was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
81. Authorize award and execution of Amendment No. 3 to a requirements service contract with TODD FULLER dba RETRIEVER PAYMENT SYSTEMS, Conroe, TX, for Visa and MasterCard credit card processing services to increase the current contract period in an estimated amount not to exceed \$480,000 for a revised total estimated contract amount not to exceed \$3,439,608. Funding in the amount of \$480,000 is available in the Fiscal Year 2009-2010 Operating Budget of various departments. Contract Amendment. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. **The motion authorizing the award and execution of amendment number three to a requirements service contract with Todd Fuller doing business as Retriever Payment Systems was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

Item 82 was pulled for discussion.

83. Authorize the City Manager to negotiate and execute an Interlocal Agreement with the University of Texas at Austin for dynamic traffic modeling to be used for development of the Strategic Mobility Plan, urban rail studies, and other transportation planning needs. Funding in the amount of \$310,000 is included in the Fiscal Year 2009-2010 Austin Transportation Department Budget for the Strategic Mobility Plan. **The motion authorizing the City Manager to negotiate and execute an interlocal agreement with the University of Texas at Austin was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
84. Approve an ordinance amending Section 12-4-64(D) of the City Code to relocate an existing school zone on Johnny Morris Road and to reduce the school zone speed limit from 30 mph to 20 mph on Loyola Lane; and declaring an emergency. \$9,000 for the installation of signs is available in the 2009-2010 Child Safety Fund of the Department of Public Works. **Ordinance No. 20091217-084 was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

Item 85 was pulled for discussion.

86. Authorize the issuance of a closure permit under City Code Chapter 14-8 for the Austin Marathon and Half Marathon right-of-way event sponsored by CONLEY SPORTS, INC. which is to be held on February 14, 2010. Recommended by the Urban Transportation Commission. **The motion authorizing the issuance of a closure permit for the Austin Marathon and Half Marathon right-of-way event sponsored by Conley Sports, Inc. was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

Item 87 was pulled for discussion.

88. Approve an ordinance waiving the requirements of Sections 14-1-32 and 14-1-33 of the Code regarding the naming of a facility and naming the Health and Human Services Levander Loop Campus located at 7201 Levander Loop, Austin, Texas, the Betty Dunkerley Campus. (Mayor Pro Tem Mike Martinez, Council Member Sheryl Cole and Mayor Lee Leffingwell) **Ordinance No. 20091217-088 was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**
89. Approve an ordinance encouraging support of the Lemonade Day Austin 2010 event on Sunday, May 2, 2010 taking place City-wide, waiving the requirement for a temporary food permit under City Code Chapter 10-3 and waiving the requirement for a license agreement under Chapter 14-11. (Council Member Randi Shade, Council Member Sheryl Cole and Council Member Chris Riley) **Ordinance No. 20091217-089 was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

Item 90 was pulled for discussion.

91. Approve a resolution directing the city manager to initiate changes to council meeting procedures to adjust scheduling of time certain public hearings. (Mayor Lee Leffingwell, Council Member William Spelman and Council Member Randi Shade) **Resolution No. 20091217-091 was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.**

Item 92 was pulled to be heard after the related 6:00 p.m. public hearing.

93. Approve an ordinance waiving certain fees and costs for the 2010 Austin Farmer's Markets, a City co-sponsored event, during the 2010 calendar year. (Mayor Pro Tem Mike Martinez, Mayor Lee Leffingwell and Council Member Chris Riley)
Ordinance No. 20091217-093 was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
94. Approve the waiver of certain fees and requirements under City Code Chapter 14-8, and authorize payment of certain costs for the City co-sponsored 2010 Martin Luther King Jr. parade which is to be held January 18, 2010. (Council Member Sheryl Cole, Mayor Lee Leffingwell and Mayor Pro Tem Mike Martinez)
The motion to approve the waiver of certain fees and requirements and authorize payment of certain costs for the City co-sponsored 2010 Martin Luther King Jr. parade was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.
95. Set a public hearing to consider an ordinance amending Chapter 25-2, Subchapter E, of the City Code to reclassify East Riverside Drive between Pleasant Valley Road and Highway 71 from an Urban Roadway to a Core Transit Corridor. (Suggested date and time: February 25, 2010, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set for February 25, 2010, at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote. The public hearing time was changed per item 91 above.
96. Set a public hearing to consider an ordinance amending the Austin Tomorrow Comprehensive Plan by adopting the East Riverside Corridor Master Plan. The planning area includes properties within approximately one-quarter to one-half mile on the north and south sides of East Riverside Drive, bounded by Interstate 35 on the west and Highway 71 on the east (Suggested date and time: February 25, 2010, 6:00 p.m. at Austin City Hall, 301 West Second Street, Austin, TX).
The public hearing was set for February 25, 2010, at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote. The public hearing time was changed per item 91 above.
97. Set public hearings for the limited purpose annexation of the following annexation areas: (1) Greenshores GLA and EC Area (approximately 177 acres in Travis County north and west of the intersection of Oak Shores and Pearce Road; west of Robbins Road; south of Smoky Ridge; and east of Ski Shores Terrace); and (2) Moore's Crossing - Linda Vista (approximately 34 acres in southern Travis County east of FM 973 at the southeast corner of the intersection of FM 973 and Burleson Road and east of the intersection of FM 973 and Linda Vista Drive). (Suggested dates and times: January 28, 2010, and February 4, 2010, 6:00 p.m., at Austin City Hall, 301 W. Second Street, Austin TX).
The public hearing was set for January 28 and February 4, 2010, at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote. The public hearing time was changed per item 91 above.
98. Set public hearings for the full purpose annexation of the Harris Branch Outparcel (approximately 2 acres in eastern Travis County west of Cameron Road approximately one tenth of a mile south of the intersection of Parmer Lane and Cameron Road). (Suggested dates and times: January 28, 2010, and February 4, 2010, 6:00 p.m., at Austin City Hall, 301 W. Second Street, Austin TX).
The public hearing was set for January 28 and February 4, 2010, at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote. The public hearing time was changed per item 91 above.

99. Set a public hearing on an appeal by the River Bluff Neighborhood Association of a decision to approve an Outdoor Music Venue permit for Sustainable Waves, located at 4822 E. Cesar Chavez (Suggested date and time: January 14, 2010, 6:00 p.m., at Austin City Hall, 301 W. Second St., Austin TX).
The public hearing was set for January 14, 2010, at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote. The public hearing time was changed per item 91 above.

Item 100 was a briefing item set for 10:30 a.m.

Item 101 was an Executive Session item.

Items 102 through 138 were zoning items set for 2:00 p.m.

Items 139 through 141 were public hearing items set for 6:00 p.m.

DISCUSSION ITEMS

43. Approve a resolution ratifying the Collective Bargaining Agreement with the Austin Firefighters Association (AFA) for Austin firefighters. Funding is included in Fiscal Year 2009-2010 Operating Budget of the Austin Fire Department.
Resolution No. 20091217-043 was approved on Mayor Pro Tem Martinez' motion, Council Member Shade's second on a 6-1 vote. Council Member Spelman voted nay.
87. Approve appointments and certain related waivers to citizen boards and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.
The following appointments and waivers were approved on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

Board

Nominated By:

Electric Utility Commission

Steve Taylor

Council Member Shade

waiving the attendance requirement (Section 2-1-26, City Code)

Intergovernmental Bodies

Austin-Travis County EMS Advisory Board

Paul Carrozza

Mayor Leffingwell

Capital Metropolitan Transportation Authority Board

Ann Stafford

Council

City of Austin Employees' Retirement System

Ed Golden

Council

Central Health Board of Managers

Bobbie Barker

Council

BRIEFING

100. Downtown Austin Alliance Presentation

The presentation was made by Rodney Gonzales, Acting Director of Economic Growth and Redevelopment Services, and Marie Crane, Ph.D. of M. Crane & Associates.

RECONSIDERED

55. Approve a resolution initiating Code amendments to implement the recommendations of the Downtown Austin Plan Density Bonus Report. Reviewed by Community Development Commission, Downtown Commission, Design Commission. To be reviewed by Planning Commission on January 12, 2010. Resolution No. 20091217-055 was approved on consent on Council Member Riley's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

A motion to reconsider item 55 and postpone this item to January 28, 2010 was approved on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote. Direction was given to staff to provide Council with a full staff presentation on January 14, 2010.

DISCUSSION ITEMS CONTINUED

25. Authorize execution of a construction contract with CHASCO CONSTRUCTORS, LTD, LLP, Round Rock, TX, for the Austin Bergstrom International Airport (ABIA) Remain Over Night (RON) Apron, Phase 1 - Re-bid in the amount of \$6,455,830.50 plus a \$646,000 contingency, for a total contract amount not to exceed \$7,101,830.50. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Aviation Department. Lowest bid of three (3) bids received. This contract will be awarded in compliance with the requirements of 49 CFR Part 26 (Disadvantaged Business Enterprise Program) and Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through the achievements of Good Faith Effort with 4.82% DBE subcontractor participation. Recommended by the Austin Airport Advisory Commission.
The motion authorizing the execution of a construction contract with Chasco Constructors, Ltd., LLP was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
47. Approve negotiation and execution of a social services Interlocal Agreement with the AUSTIN INDEPENDENT SCHOOL DISTRICT to fund services for the community education, Victory Tutorial, after-school enrichment and adult basic education/English as a second language programs for a nine-month term beginning January 1, 2010, in an amount not to exceed \$1,071,634, with an option to renew for one 12-month term beginning October 1, 2010, in an amount not to exceed \$1,428,845, for a total contract amount not to exceed \$2,500,479. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Health and Human Services Department. Funding for the agreement renewal option is contingent on available funding in future budgets.
The motion authorizing the negotiation and execution of a social services interlocal agreement with the Austin Independent School District was approved on Mayor Pro Tem Martinez' motion, Council Member Riley's second on a 7-0 vote.
72. Authorize award, negotiation, and execution of a contract with STEEL ADVERTISING & INTERACTIVE, INC. (WBE/FW- 68.77%), Austin, TX, for an assessment of the City web portal and redesign initiative in an amount not to exceed \$357,000. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Financial and Administrative Services Department, Communications and Technology Management. Best evaluated proposal of 13 proposals received. This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 6.02% MBE and 68.77% WBE prime participation.

The motion authorizing the award, negotiation and execution of a contract with Steel Advertising & Interactive, Inc. was approved on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

14. Approve the issuance of a Letter of Intent for a rebate to JIM REGAN for the installation of 369 water efficient toilets at the Woodmeade Apartments, in an amount not to exceed \$73,800. Funding is available in the Fiscal Year 2009-2010 Operating Budget of the Austin Water Utility. Recommended by the Water and Wastewater Commission. To be reviewed by the Resource Management Commission on December 15, 2009.

The motion approving the issuance of a letter of intent for a rebate to Jim Regan was approved on Council Member Riley's motion, Council Member Spelman's second on a 7-0 vote.

20. Authorize the negotiation and execution of the fee simple acquisition of Lot 3, Block C, Deerfield at Brodie Subdivision Section III, a subdivision, recorded in Document No. 199900292, of the Official Public Records of Travis County, Texas, located at 8806 Brodie Lane from W.W. DEERFIELD, Ltd., a Texas Limited Partnership for the Davis/Deer Lane Improvements Brodie Lane to Corran Ferry Drive, in the amount of \$900,000 for the land, plus closing costs for an amount not to exceed \$950,000. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Public Works Department.

The motion authorizing the negotiation and execution of the fee simple acquisition of property located at 8806 Brodie Lane from W.W. Deerfield, Ltd. was approved on Mayor Pro Tem Martinez' motion, Council Member Spelman's second on a 7-0 vote.

49. Approve negotiation and execution of 51 social services contracts with 48 social service agencies for nine-month terms beginning January 1, 2010, in an amount not to exceed \$7,601,084 with options to renew each contract for one 12-month term beginning October 1, 2010, in a total amount not to exceed \$9,995,197 for all renewal terms, for a total contract amount not to exceed \$17,596,281. Funding in the amount of \$6,286,435 is included in the Fiscal Year 2009-2010 Operating Budget of the Health and Human Services Department. Funding in the amount of \$61,389 is included in the Fiscal Year 2009-2010 Certification Fund. Funding in the amount of \$985,910 is included in the Fiscal Year 2009-2010 Operating Budget of the Economic Growth and Redevelopment Services Office. Funding in the amount of \$110,000 is included in the Fiscal Year 2009-2010 Operating Budget of the Parks and Recreation Department. Funding in the amount of \$60,750 is included in the Fiscal Year 2009-2010 Operating Budget of the Austin Water Utility. Funding in the amount of \$96,600 is included in the Fiscal Year 2009-2010 Operating Budget of Watershed Protection Department. The term of each contract is for the period of January 1, 2010 through September 30, 2011. Funding for the balance of the contracts is contingent on available funding in future budgets.

The motion authorizing the negotiation and execution of social services contracts with American Youthworks, Any Baby Can of Austin, Inc., The Austin Academy, Austin Area Urban League, Inc., Austin Child Guidance Center, Austin Children's Shelter, Austin Families, Inc. dba FamilyConnections, The Austin Project, Austin Tenants' Council, Austin Travis County Mental Health and Mental Retardation Center-CAN Administration, Big Brothers Big Sisters of Central Texas, Inc., Blackland Community Development Corporation, BookSpring (formerly Reading is Fundamental), Capital Area Food Bank of Texas, Inc., The Capital Area Mental Health Center, Inc., Capital Investing in Development and Employment of Adults, Inc., Caritas of Austin- Basic Needs, Caritas of Austin-Best Single Source, Caritas of Austin-My Place Transitional Housing, Casa Marianella, Center for Child Protection, Child, Inc., Communities in Schools- Central Texas, Inc., Community Partnership for the Homeless, Inc., Council on At-Risk Youth, Crime Prevention Institute, Inc., Easter Seals-Central Texas, Inc., Family Eldercare, Inc., Forming, Uniting, Educating Neighbors Toward Excellence, Foundation Communities, Foundation for the Homeless, Inc., Goodwill Industries of Central Texas, Greater Calvary Rites of Passage, Helping the Aging, Needy, and Disabled dba Services for the Elderly, Inc., Immigration Counseling and Outreach Services, Meals on Wheels and More, Out Youth, Planned Parenthood of Austin Family Planning,

Inc., River City Youth Foundation, Salvation Army, The - Pathways & Partnerships Program, Skillpoint Alliance, Sustainable Food Center, Inc., Texas RioGrande Legal Aid, Inc., Travis County Domestic Violence and Sexual Assault Survival Center dba SafePlace, Vaughn House, Inc., Vincare Services of Austin Foundation, Workers Assistance Program, Inc., WorkSource- Greater Austin Area Workforce Board dba WorkforceSolutions - Capital Area Workforce Board, , Young Women's Christian Association of Greater Austin, Youth and Family Alliance, Inc. dba LifeWorks - Basic Education, Family & Individual Support, and Youth Development Programs, and Youth and Family Alliance, Inc. dba LifeWorks - Housing & Homeless Program was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

50. Approve a settlement related to AT&T's claim against the City for property damage.
The motion to settle the above referenced lawsuit, by the City paying \$76,109.89 to AT&T, was approved on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
71. Authorize negotiation and execution of a 60-month requirements contract through the State of Texas Department of Information Resources with RFD & Associates, Inc. (WBE/WB-100%), an authorized Oracle reseller, to provide an Oracle Enterprise License Agreement for software licenses in an estimated amount not to exceed \$2,051,379, an Oracle Business Intelligence License Agreement for the Fusion Project in an estimated amount not to exceed \$215,000, and software support and maintenance for licenses in an estimated amount not to exceed \$8,507,461, for a total estimated contract amount not to exceed \$10,773,840; and a 36-month financing agreement with Oracle Corporation for the Enterprise License Agreement at no cost to the City. Funding in the amount of \$260,278 is available in the Fiscal Year 2009-2010 Capital Budget of Financial and Administrative Services, Communication and Technology Management. Funding in the amount of \$316,275 is available in the Fiscal Year 2009-2010 Operating Budget of Financial and Administrative Services, Communication and Technology Management. Funding in the amount of \$135,186 is available in the Fiscal Year 2009-2010 Capital Budget of Austin Energy. Funding in the amount of \$164,270 is available in the Fiscal Year 2009-2010 Operating Budget of Austin Energy. Funding in the amount of \$32,808 is available in the Fiscal Year 2009-2010 Capital Budget of Austin Water Utility. Funding in the amount of \$215,000 is available in the Homeland Security Grant Program Urban Area Security Initiative. Funding for the remaining 50 months of the original contract period is contingent upon available funding in future budgets. This cooperative contract is exempt from the MBE/WBE Ordinance. This exemption is in compliance with Chapter 2-9C of the City Code (Minority -Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract. RFD & Associates, Inc. - 100% WBE prime contractor participation.
The motion authorizing the negotiation and execution of a requirements contract through the State of Texas Department of Information Resources with RFD & Associates, Inc. and an Oracle Corporation financing agreement was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
85. Authorize negotiation and execution of a professional services agreement with Capital Market Research (CMR), Austin, Texas, for an economic impact analysis study of a potential Urban Rail system and at station areas in the planned Metro Rail system, in an amount not to exceed \$200,000. Funding is available in the Fiscal Year 2009-2010 Capital Budget of the Planning & Development Review Department.
The motion authorizing the negotiation and execution of a professional services agreement with Capital Market Research (CMR) was approved on Council Member Cole's motion, Mayor Leffingwell's second on a 7-0 vote.

CITIZEN COMMUNICATION: GENERAL

Pat Valls-Trelles - Animal issues

Linda Greene - Fluoride waste must stop

Russell Doyle - Fluoridation He was not present when his name was called.

Ellen Williams - Enforcement of tree permits She was not present when her name was called.

Gus Peña - City issues

Ronnie Reefersseed - Peace and freedom and the first amendment

DeVon Wood - Austin First Church promise for money for moving expenses Council has voted on it has not been paid He was not present when his name was called.

Ailana Larson - Noise next to disabled housing

Carmen Llanes - Relocate pure casting - available city owned properties She was not present when her name was called.

Mary Parlin - Lake Side apartment building damage from surrounding construction

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:30 p.m.

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

101. Discuss legal issues related to grandfathering rights under Chapter 245 of the Texas Local Government Code. (Private Consultation with Attorney - Section 551.071).

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 2:09 p.m.

DISCUSSION ITEMS CONTINUED

90. Approve an ordinance amending Ordinance No. 20091022-028 related to the use of wireless communication devices while operating a motor vehicle and creating an offense. (Council Member Laura Morrison, Council Member Chris Riley and Mayor Pro Tem Mike Martinez)
Ordinance No. 20091217-090 was approved on Mayor Pro Tem Martinez' motion, Council Member Morrison's second on a 7-0 vote.
82. Approve the negotiation and execution of a restated and amended contract with Mid-America Recycling, L.L.C. dba Greenstar for the transport, processing, and sale of commingled recycling material for a 36-month term with estimated revenue of \$7,661,354 and estimated processing and transportation expenditures in an amount not to exceed \$14,782,935 and four (4) 6-month extension options related to the completion of the City's proposed single-stream material recovery facility, with estimated revenue of \$1,322,317 and estimated processing and transportation expenditures in an amount not to exceed \$2,640,319 per extension option, including accrued processing and transportation costs in an amount not to exceed \$2,100,000, for a total contract not to exceed \$12,393,589. Revenue Funding is included in

Fiscal Year 2008-2009 and 2009-2010 Operating Budget of the Solid Waste Services Department. Reviewed by the Solid Waste Advisory Commission.

There was a motion by Council Member Riley to postpone this item indefinitely with direction to staff to continue their efforts with the audit and provide information related to the recycling stream and market prices, to continue efforts to identify local providers that could have capacity to process recyclables locally and to report back to Council in 2010 with the understanding that Council will not be able to take further action until the responses to the Request For Proposal for the Single-Stream Material Recovery Facility are received. This motion died for lack of a second.

There was a motion by Council Member Spelman and seconded by the Mayor Pro Tem Martinez to accept the Solid Waste Advisory Committee's (SWAC) recommendation to approve Greenstar Contract Amendment Option Three with the exception that staff would also be given the authority to execute the contract utilizing the current contract audit procedures, requesting Greenstar specify the definition of market prices, and obligating Greenstar to recycle all material sent to them by the City of Austin. Mayor Pro Tem Martinez withdrew his second to the motion. The motion was then seconded by Council Member Cole.

There was a friendly amendment that was made by Council Member Shade to accept the SWAC recommendation as stated above without giving the authority to staff to execute the contract. This was not accepted by the maker of the motion.

There was a motion by Council Member Shade and seconded by Mayor Pro Tem Martinez to amend the main motion to accept the Solid Waste Advisory Commission recommendation as stated above to approve the Greenstar Contract Amendment Option Three giving the authority to staff to negotiate the contract. The motion passed on a 7-0 vote.

There was a friendly amendment that was made by Council Member Cole to pay Greenstar approximately \$2,640,319 that is owed to them by the City of Austin. This was accepted by the maker of the motion.

The motion to negotiate a restated and amended contract with Mid-America Recycling, L.L.C. doing business as Greenstar for the transport, processing and sale of commingled recycling material per SWAC's recommendation was approved on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote. This includes Council Member Cole's friendly amendment to pay Greenstar. Staff was directed to negotiate the contract and bring it back to Council prior to execution.

ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate action occurred on any of the items.

103. C14-2009-0077 Balcones Place Condos - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5011 Balcones Drive (Taylor Slough North Watershed) from general commercial services (CS) district zoning to multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning. First reading approved on November 19, 2009. Vote: 7-0. Applicant: Oakmont House LTD. (James David). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Clark Patterson, 974-7691. A valid petition has been filed in opposition to this rezoning request.

Ordinance No. 20091217-103 for multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning was approved on consent on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

118. C14H-2009-0047 - Pace-Perry House - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1403 Wathen Avenue (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. First reading approved on December 10, 2009. Vote: 6-0 (Martinez off the dais.) Applicants: Don and Daphne Kuykendall. City Staff: Steve Sadowsky, 974-6454.
This item was postponed on consent to February 11, 2010 at the owner's request on Council Member Morrison's motion, Mayor Pro Tem Martinez' second on a 7-0 vote.

ZONING CONSENT ITEMS

The following zoning items were acted on by one motion. No separate action occurred on any of the items.

131. C14-2008-0242 - Mueller Austin Energy Substation - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2403 East 51st Street (Tannehill Branch Watershed) from community commercial-neighborhood plan (GR-NP) combining district zoning to public-neighborhood plan (P-NP) combining district zoning. Staff Recommendation: To grant public-neighborhood plan (P-NP) combining district zoning. Planning Commission Recommendation: To deny public (P) district zoning. Applicant: Austin Energy (Dorothy Kester). Agent: Stanley Consultants, Inc. (Charles Steinman). City Staff: Joi Harden, 974-2122.
This item was postponed on consent to January 28, 2010 at Austin Energy's request on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
132. C14-2009-0098 - Apogee Workshop - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9704 Swansons Ranch Road (Slaughter Creek Watershed) from single-family residence-large lot (SF-1) district zoning to neighborhood office-mixed use (NO-MU) combining district zoning. Staff Recommendation: To grant neighborhood office-mixed use (NO-MU) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood office-mixed use (NO-MU) combining district zoning. Applicant and Agent: Jessica and Christopher Cortez. City Staff: Wendy Rhoades, 974-7719.
The public hearing was closed and Ordinance No. 20091217-132 for neighborhood office-mixed use (NO-MU) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
133. C14-2009-0106 - Rosewood Neighborhood Planning Area Vertical Mixed Use Building (V) Zoning Opt-in/Opt-Out Process - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by applying Vertical Mixed Use Building (V) zoning regulations to certain tracts within the Rosewood Neighborhood Planning Area, bounded by Manor Road on the north; Airport Boulevard on the east; Northwestern Avenue and Webberville Road on the south; and Northwestern Avenue to Rosewood Avenue to Chicon Street to East 12th Street, north along the Austin and Northwestern Railroad to Martin Luther King, Jr. Boulevard to Stafford Street to Rogers Avenue to Walnut Avenue on the west (Boggy Creek, Tannehill Branch, Town Lake Watersheds). Regulations governing Vertical Mixed Use Building dimensional standards; allowable uses for a Vertical Mixed Use Building in office base district zoning; relaxed parking standards for commercial uses in a Vertical Mixed Use Building; and affordability requirements for Vertical Mixed Use Building developments will be considered for adoption. The Austin City Council may consider adopting all or some of these regulations, or amending the Vertical Mixed Use (VMU) overlay district to exclude properties from the overlay district. Planning Commission Recommendation: To grant vertical mixed use building (V) district zoning and to exclude a tract from the vertical mixed use overlay district. Applicant and Agent: Neighborhood Planning and Zoning Department. City Staff: Melissa Laursen, 974-7226.
This item was postponed on consent to January 28, 2010 at the staff's request on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

134. C14-2009-0110 - American Adventure - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13505 North F.M. 620 Road (Lake Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to community commercial (GR) district zoning. Staff Recommendation: To grant community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial (GR) district zoning with conditions. Applicant: Hamid Zarafshani / American Adventure RV Rentals, LLC. Agent: Shaw Hamilton Consultants (Shaw Hamilton). City Staff: Sherri Sirwaitis, 974-3057.
This item was postponed on consent to January 28, 2010 at the neighborhood's request on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote. A request was made by the applicant and approved by Council to take this item back to the Zoning and Platting Commission in light of new information that the Zoning and Platting Commission was not aware of when they made their decision.
135. C14-2009-0125 - First Brazilian Baptist Church in Austin - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1509 Dessau Ridge Lane (Harris Branch Watershed) from development reserve (DR) district zoning to neighborhood commercial (LR) district zoning. Staff Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning. Applicant: First Brazilian Baptist Church in Austin (Ledo Corral). Agent: A.J. Ghaddar, P.E. & Associates (A.J. Ghaddar). City Staff: Sherri Sirwaitis, 974-3057.
The public hearing was closed and Ordinance No. 20091217-135 for limited office-conditional overlay (LO-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
136. C14-2009-0127 - Austin Woodfin Suite - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7685 Northcross Drive (Shoal Creek Watershed) from community commercial-mixed use (GR-MU) combining district zoning to commercial-liquor sales (CS-1) district zoning. Staff Recommendation: To grant commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning. Zoning and Platting Commission Recommendation: To be reviewed on January 5, 2010. Applicant: B-H Enterprises (William Hale). Agent: Shaw Hamilton Consultants (Shaw Hamilton). City Staff: Clark Patterson, 974-7691.
This item was postponed on consent to February 4, 2010 at the staff's request on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.
137. C14-2009-0136 - 13216 Pond Springs Road - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13216 Pond Springs Road (Lake Creek Watershed) from interim-rural residential (I-RR) district zoning to general commercial services (CS) district zoning. Staff Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Applicant: The Human Solution (Jon Paulsen). Agent: JW Hall Design (Diane Ohmann). City Staff: Sherri Sirwaitis, 974-3057.
The public hearing was closed and Ordinance No. 20091217-137 for general commercial services-conditional overlay (CS-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Cole's second on a 7-0 vote.

ZONING DISCUSSION ITEMS

The ordinances for items 102, 104-117, 119-125, 127, and 128 were approved as follows in a combined motion on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote. Staff was directed to:

- Bring to Council a proposal for restrictions and limitations on the number of historical zoning cases and dollar amount with regard to both overall cap and geographical.
- To engage members of the Historic Landmark Commission and the Heritage Society in the discussion of options.
- To look at what other cities have accomplished in lower income neighborhoods where historically preservation has not taken place and opportunities have been missed.

102. C14H-2009-0032 - DeWitt Reddick House - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1511 Preston Avenue (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. First reading approved on December 10, 2009. Vote: 6-0 (Martinez off the dais.) Applicants: Jill Bell Myatt. City Staff: Steve Sadowsky, 974-6454.
Ordinance No. 20091217-102 for family residence-historic landmark (SF-3-H) combining district zoning was approved in the combined motion stated above.
104. C14H-2009-0028 - Martin-Sharp House - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9 Niles Road (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. First reading approved on December 10, 2009. Vote: 6-0 (Martinez-off the dais.) Applicant: Michael and Tracy DiLeo. City Staff: Steve Sadowsky, 974-6454.
Ordinance No. 20091217-104 for family residence-historic landmark (SF-3-H) combining district zoning including a waiver of Section 25-1-46 of the City Code was approved in the combined motion stated above.
105. C14H-2009-0029 - Davis House - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1600 Gaston Avenue (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. First reading approved on December 10, 2009. Vote: 6-0 (Martinez off the dais.) Applicants: Alison and Leonard Frey. City Staff: Steve Sadowsky, 974-6454.
Ordinance No. 20091217-105 for family residence-historic landmark (SF-3-H) combining district zoning was approved in the combined motion stated above.
106. C14H-2009-0030 - Wroe-Yeates House - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1510 West Lynn Street (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. First reading approved on December 10, 2009. Vote: 6-0 (Martinez off the dais.) Applicants: Melanie and Laurens Fish. City Staff: Steve Sadowsky, 974-6454.
Ordinance No. 20091217-106 for family residence-historic landmark (SF-3-H) combining district zoning including a waiver of Section 25-1-46 of the City Code was approved in the combined motion stated above.
107. C14H-2009-0034 - Catterall-Thornberry House - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1403 Hardouin Avenue (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. First reading approved on December 10, 2009. Vote: 6-0 (Martinez off the dais.) Applicants: Stephen E. and Leslie R. McConnico, owners. City Staff: Steve Sadowsky, 974-6454.

Ordinance No. 20091217-107 for family residence-historic landmark (SF-3-H) combining district zoning was approved in the combined motion stated above.

108. C14H-2009-0035 - J.W. and Cornelia Rice Scarbrough House - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1801 West Avenue (Shoal Creek Watershed) from multi-family residence (MF-4) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. First reading approved on December 10, 2009. Vote: 6-0 (Martinez-off the dais.) Applicants: Jo Sue Howard. City Staff: Steve Sadowsky, 974-6454.

Ordinance No. 20091217-108 for family residence-historic landmark (SF-3-H) combining district zoning was approved in the combined motion stated above.

109. C14H-2009-0036 - A.W. and Ida Brill House - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1109 W. 9th Street (Shoal Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. First reading approved on December 10, 2009. Vote: 5-0-1 (Martinez off the dais; Morrison-abstained.) Applicant: Nicolas Shumway. City Staff: Steve Sadowsky, 974-6454.

Ordinance No. 20091217-109 for family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning was approved in the combined motion stated above.

110. C14H-2009-0037 - Dr. Walter Bacon Black House - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 401 W. 32nd Street (Waller Creek Watershed) from family residence-neighborhood conservation combining district-neighborhood plan (SF-3-NCCD-NP) combining district zoning to family residence-historic landmark-neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning. First reading approved on December 10, 2009. Vote: 6-0 (Martinez off the dais.) Applicants: Peter and Patricia Andersen. City Staff: Steve Sadowsky, 974-6454.

Ordinance No. 20091217-110 for family residence-historic landmark-neighborhood conservation combining district-neighborhood plan (SF-3-H-NCCD-NP) combining district zoning was approved in the combined motion stated above.

111. C14H-2009-0038 - Sutton-Bailey House - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1515 Pease Road (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. First reading approved on December 10, 2009. Vote: 6-0 (Martinez off the dais.) Applicant: Diego Mendez. City Staff: Steve Sadowsky, Historic Preservation Office, Planning and Development Review Department, 974-6454.

Ordinance No. 20091217-111 for family residence-historic landmark (SF-3-H) combining district zoning including a waiver of Section 25-1-46 of the City Code was approved in the combined motion stated above.

112. C14H-2009-0039 - Lolita Peterson House - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2410 Jarratt Avenue (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. First reading approved on December 10, 2009. Vote: 6-0 (Martinez off the dais.) Applicant: Jennifer Hinrichs. City Staff: Steve Sadowsky, 974-6454.

Ordinance No. 20091217-112 for family residence-historic landmark (SF-3-H) combining district zoning was approved in the combined motion stated above.

113. C14H-2009-0040 - Benson House - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1604 Pease Road (Shoal Creek

Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. First reading approved on December 10, 2009. Vote: 6-0 (Martinez off the dais.) Applicants: Alex and Virginia Hill. City Staff: Steve Sadowsky, 974-6454.

Ordinance No. 20091217-113 for family residence-historic landmark (SF-3-H) combining district zoning including a waiver of Section 25-1-46 of the City Code was approved in the combined motion stated above.

114. C14H-2009-0041 - Black-Fleming House - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1613 Pease Road (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. First reading approved on December 10, 2009. Vote: 6-0 (Martinez off the dais.) Applicants: Mark and Vicki Eidman. City Staff: Steve Sadowsky, 974-6454.
Ordinance No. 20091217-114 for family residence-historic landmark (SF-3-H) combining district zoning including a waiver of Section 25-1-46 of the City Code was approved in the combined motion stated above.
115. C14H-2009-0042 - Huron Mills House - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2603 Wooldridge Drive (Shoal Creek Watershed) from family residence (SF-3) district zoning to single-family residence-standard lot-historic landmark (SF-2-H) combining district zoning. First reading approved on December 10, 2009. Vote: 6-0 (Martinez off the dais.) Applicants: Jay and Sabrina Brown, owners. City Staff: Steve Sadowsky, 974-6454.
Ordinance No. 20091217-115 for single-family residence-standard lot-historic landmark (SF-2-H) combining district zoning was approved in the combined motion stated above.
116. C14H-2009-0045 - Brady House - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1601 Pearl Street (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. First reading approved on December 10, 2009. Vote: 6-0 (Martinez off the dais.) Applicants: E. Lawrence Taylor, Jr. and Joanne Koepke. City Staff: Steve Sadowsky, 974-6454.
Ordinance No. 20091217-116 for family residence-historic landmark (SF-3-H) combining district zoning was approved in the combined motion stated above.
117. C14H-2009-0046 - Boner House - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1508 Hardouin Avenue (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. First reading approved on December 10, 2009. Vote: 6-0 (Martinez off the dais.) Applicants: Eric and Julie Pastor, owners. City Staff: Steve Sadowsky, Historic Preservation Office, Planning and Development Review Department, 974-6454.
Ordinance No. 20091217-117 for family residence-historic landmark (SF-3-H) combining district zoning was approved in the combined motion stated above.
119. C14H-2009-0048 - Fred and Margaret Sharp House - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12 Niles Road (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. First reading approved on December 10, 2009. Vote: 6-0 (Martinez off the dais.) Applicants: Richard and Amy Griffin. City Staff: Steve Sadowsky, 974-6454.
Ordinance No. 20091217-119 for family residence-historic landmark (SF-3-H) combining district zoning including a waiver of Section 25-1-46 of the City Code was approved in the combined motion stated above.

120. C14H-2009-0050 - Goodfriend House - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2418 Harris Boulevard (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. First reading approved on December 10, 2009. Vote: 6-0 (Martinez off the dais.) Applicants: Robert and Mary Cocke. City Staff: Steve Sadowsky, 974-6454.
Ordinance No. 20091217-120 for family residence-historic landmark (SF-3-H) combining district zoning was approved in the combined motion stated above.
121. C14H-2009-0051 - Hildebrand-Scott House - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2431 Wooldridge Drive (Shoal Creek Watershed) from single-family residence-standard lot (SF-2) district zoning to single-family residence-standard lot-historic landmark (SF-2-H) combining district zoning. First reading approved on December 10, 2009. Vote: 6-0 (Martinez off the dais.) Applicants: Will and Elizabeth Myers. City Staff: Steve Sadowsky, 974-6454.
Ordinance No. 20091217-121 for single-family residence-standard lot-historic landmark (SF-2-H) combining district zoning was approved in the combined motion stated above.
122. C14H-2009-0053 - Sol and Anne Ginsburg House - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1404 Preston Avenue (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. First reading approved on December 10, 2009. Vote: 6-0 (Martinez off the dais.) Applicants: Chris and Anne Newton. City Staff: Steve Sadowsky, 974-6454.
Ordinance No. 20091217-122 for family residence-historic landmark (SF-3-H) combining district zoning was approved in the combined motion stated above.
123. C14H-2009-0056 - Bull House - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2213 East Windsor Road (Shoal Creek Watershed) from family residence (SF-3) combining district zoning to family residence-historic landmark (SF-3-H) combining district zoning. First reading approved on December 10, 2009. Vote: 6-0 (Martinez off the dais.) Applicants: Tina Contros and Robert Kearl. City Staff: Steve Sadowsky, 974-6454.
Ordinance No. 20091217-123 for family residence-historic landmark (SF-3-H) combining district zoning was approved in the combined motion stated above.
124. C14H-2009-0057 - Thornhill-McKay House - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1603 Pease Road (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. First reading approved on December 10, 2009. Vote: 6-0 (Martinez off the dais.) Applicants: Bill and Ann Boone, owners. Steve Sadowsky, 974-6454.
Ordinance No. 20091217-124 for family residence-historic landmark (SF-3-H) combining district zoning including a waiver of Section 25-1-46 of the City Code was approved in the combined motion stated above.
125. C14H-2009-0087 - Roger Williams House - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1604 Gaston Avenue (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. First reading approved on December 10, 2009. Vote: 6-0 (Martinez off the dais.) Applicants: Thea and Richard Wood. City Staff: Steve Sadowsky, 974-6454.
Ordinance No. 20091217-125 for family residence-historic landmark (SF-3-H) combining district zoning was approved in the combined motion stated above.

127. C14H-2009-0043 - Oscar and Floy Robinson House - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1711 San Gabriel Street (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. First reading approved on December 10, 2009. Vote: 6-0 (Martinez off the dais.) Applicants: Ben and Jane Schotz. City Staff: Steve Sadowsky, 974-6454.
Ordinance No. 20091217-127 for family residence-historic landmark (SF-3-H) combining district zoning was approved in the combined motion stated above.
128. C14H-2009-0044 - Nagle-Harrington House - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1615 Pearl Street (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. First reading approved on December 10, 2009. Vote: 6-0 (Martinez off the dais.) Applicants: Jim and Gayle Browne. City Staff: Steve Sadowsky, 974-6454.
Ordinance No. 20091217-128 for family residence-historic landmark (SF-3-H) combining district zoning was approved in the combined motion stated above.

The public hearings were closed and the ordinances for items 129, 130 and 138 were approved as follows in a combined motion on Mayor Pro Tem Martinez' motion, Council Member Morrison's second on a 7-0 vote.

129. C14H-2009-0060 - Lassberg House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1608 Woodlawn Boulevard (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. Staff recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Planning Commission recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Applicant: Jane Schweppe. City Staff: Steve Sadowsky, 974-6454.
The public hearing was closed and Ordinance No. 20091217-129 for family residence-historic landmark (SF-3-H) combining district zoning including a waiver of Section 25-1-46 of the City Code was approved in a combined motion as shown above.
130. C14H-2009-0061 - Arthur Pope and Eleanor Covert Watson House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 11 Niles Road (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. Staff recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Historic Landmark Commission recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Planning Commission recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Applicants: Marlene Romanczak and Brian Magierski. City Staff: Steve Sadowsky, 974-6454.
The public hearing was closed and Ordinance No. 20091217-130 for family residence-historic landmark (SF-3-H) combining district zoning including a waiver of Section 25-1-46 of the City Code was approved in a combined motion as shown above.
138. C14H-2009-0058 - Graham-Bybee House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1406 Enfield Road (Shoal Creek Watershed) from family residence (SF-3) district zoning to family residence-historic landmark (SF-3-H) combining district zoning. Staff recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark (SF-3-H) combining district zoning. Planning Commission Recommendation:

To grant multi-family residence-medium density-historic landmark (MF-3-H) combining district zoning. Applicants: Ethan and Tracey Stead. City Staff: Steve Sadowsky, 974-6454.

The public hearing was closed and Ordinance No. 20091217-138 for multi-family residence-medium density-historic landmark (MF-3-H) combining district zoning including a waiver of Section 25-1-46 of the City Code was approved in a combined motion as shown above.

ZONING DISCUSSION ITEMS CONTINUED

126. C814-2008-0087 - South Shore District PUD - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1701 and 1801 S. Lakeshore, 1414 Arena Drive, 1333 Arena Drive, 1200 Tinnin Ford and 1201 Town Creek (Town Lake Watershed) from multi-family residence-medium density (MF-3) district zoning, multi-family residence-medium density-neighborhood plan (MF-3-NP) combining district zoning, and community commercial-neighborhood plan (GR-NP) combining district zoning to planned unit development-neighborhood plan (PUD-NP) combining district zoning with conditions. First reading approved on September 24, 2009. Vote: 5-2 (Mayor Leffingwell and Morrison voted Nay). Second reading approved on October 22, 2009. Vote: 5-2 (Mayor Leffingwell and Morrison voted Nay). Applicant: Grayco Town Lake Investments 2007, LP. Agent: Drenner & Golden Stuart Wolff, LLP (Michelle Rogerson). City Staff: Stephen Rye, 974-7604. There was a motion made by Council Member Cole and seconded by Council Member Shade to approve Ordinance No. 20091217-126 for planned unit development-neighborhood plan (PUD-NP) combining district zoning with conditions and amendments as follows.

The following should be included to address affordable housing. The total package of \$3,148,000 should include a combination of a fee and affordable units on-site in the amount of \$3,058,000 and a displacement program in the amount of \$90,000.

- 33.33% of the amount (\$1,019,333) will be dedicated to on-site units at 60% of MFI, which is a total of 13 residential units configured as eight one bedroom units and five two bedroom units. These units shall be located in Areas 1, 6 and 7 of the PUD and no fee shall be required for approval of a site plan for these areas.
- 66.67% of the amount (\$2,038,666) will be paid as fee to the Austin Housing and Finance Corporation. Prior to release of a site plan for Areas 2, 3 or 4, the owner shall pay the City \$679,555 ($\$2,038,666/3=\$679,555$), such payment to be a condition of release of each site plan (a total amount not to exceed \$2,038,666).
- 50% of such total fee (\$1,019,333) will be used to provide affordable housing in the area defined in the East Riverside Oltorf Combined Neighborhood Plan, with a priority given to home ownerships. 50% of such total fee (\$1,019,333) will be used to provide affordable housing in the City with a priority given to affordable housing for senior citizens.

There was a motion to amend by Council Member Riley and seconded by Mayor Pro Tem Martinez to divide proceeds 50/50 with half staying on-site and half going to affordable housing in the East Riverside Oltorf combined neighborhood with priority being given to home ownership. The motion failed on a vote of 3-3-1. Those voting aye were: Mayor Pro Tem Martinez and Council Members Riley and Morrison. Those voting nay were: Council Members Cole, Shade, and Spelman. Mayor Leffingwell abstained.

There was a friendly amendment that was made by Council Member Cole to add the following as the last sentence to Part 5 F, "And the ordinance zoning the property in effect when this ordinance is adopted shall remain in effect for that purpose." This was accepted by Council Member Shade who seconded the main motion.

There was a friendly amendment that was made by Council Member Spelman to add the following language to Part 4 F 9, "The total square footage of cocktail lounge or liquor sales uses not exceed

either in combination or individually on the property a total of 20,000 square feet". This was accepted by the maker of the motion and Council Member Shade who seconded the motion.

There was a friendly amendment that was made by Council Member Spelman to have Part 5 A 1 and 2, C and I read as follows. This was accepted by the maker of the motion and Council Member Shade who seconded the motion. Part 5 A should read, "1. set aside 13 residential units in the PUD for occupancy by households whose income is less than 60% of the median family income in the Austin metropolitan statistical area; and 2. pay the City a total of \$1,019,333 to be deposited in the Housing Assistance Fund to be and used only for the development or preservation of affordable housing units." Part 5 C should read, "The affordable units under Section a.1 shall comprise eight one bedroom units and five two bedroom units." Part 5 I should read, "\$1,019,333 of the fee paid under Section A.2 shall be used for affordable housing within the East Riverside/Oltorf Combined Planning Area, with priority given to ownership housing, and \$1,019,333 shall be used for affordable housing for senior citizens."

There was a friendly amendment that was suggested by staff and accepted by the maker of the motion and Council Member Shade who seconded the motion to schedule payments for affordable housing in thirds: one-third when area two is developed; one-third when area three is developed; and one-third when area four is developed. This was accepted by the maker of the motion and Council Member Shade who seconded the motion.

Ordinance No. 20091217-126 for planned unit development-neighborhood plan (PUD-NP) combining district zoning with conditions and the adopted amendments as stated above was approved on Council Member Cole's motion, Council Member Shade's second on a 5-2 vote. Those voting aye were: Mayor Pro Tem Martinez and Council Members Cole, Shade, Spelman and Riley. Those voting nay were: Mayor Leffingwell and Council Member Morrison.

Mayor Leffingwell recessed the Council Meeting at 5:02 p.m.

LIVE MUSIC

Vanessa Lively

PROCLAMATIONS

Proclamation -- Neighborhood Habitat Challenge Winners -- to be presented by Mayor Lee Leffingwell and to be accepted by representatives of the Windsor Park, Crestview and Copperfield Neighborhood Associations

Distinguished Service Award - Retirement -- Judge Kenneth Vitucci, Municipal Court -- to be presented by Mayor Lee Leffingwell and to be accepted by the honoree

Certificate of Congratulations -- Better Business Bureau for International Award -- to be presented by Mayor Lee Leffingwell and to be accepted by BBB representatives

Mayor Leffingwell called the Council Meeting back to order at 6:13 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTION

139. Conduct a public hearing on an appeal by SP Meadows South, Ltd. of the Zoning and Platting Commission's decision to approve a site plan extension for a site located at 9900 S. IH-35 Svc. Road, SB, a project known as Southpark Meadows Shopping Center.

This item was withdrawn without objection.

140. Conduct a public hearing on an appeal by Huston-Tillotson University and Blackshear-Prospect Hill Neighborhood Association of the Building and Fire Code Board of Appeals' decision to deny an appeal on the issuance of a certificate of occupancy, electric and building permits, and site plan exemption for the project located at 1900 E. 7th St.

This item was postponed to April 8, 2010 on Mayor Pro Tem Martinez' motion, Council Member Cole's second on a 6-0 vote. Council Member Spelman was off the dais.

DISCUSSION ITEMS CONTINUED.

92. Approve a resolution authorizing the negotiation and execution of an agreement to partially reimburse Reagan National Advertising, Inc., in an amount not to exceed \$25,000, for actual costs incurred in relocating the billboard at 2211/2 South Lamar to another location in compliance with proposed amendments to the City's sign regulations. (Council Member Randi Shade, Council Member Chris Riley and Council Member Laura Morrison)

This item was withdrawn without objection.

PUBLIC HEARINGS AND POSSIBLE ACTION CONTINUED

141. Conduct a public hearing and consider an ordinance amending City Code Section 25-10-152 to prohibit the relocation of billboards within 500 feet of a residential use.

The public hearing was closed and Ordinance No. 20091217-141 with the following amendments was approved on Council Member Riley's motion, Council Member Shade's second on a 6-0 vote. Council Member Spelman was off the dais.

PART 1. Subsection (B)(5)(c) of City Code Section 25-10-152 (*Nonconforming Signs*) is amended to read:

(c) The relocated sign:

(i) must be in:

1. an expressway corridor sign district; or
2. for a sign with a sign area of 300 square feet or less, an expressway corridor sign district or a commercial sign district;

(ii) may not be on a tract located on a scenic roadway;

(iii) may not be within 500 feet of:

1. a historic sign district;
2. a residential dwelling unit;
3. a tract located in a zoning district, other than an interim rural residence (RR) or commercial highway (CH) zoning district, in which:
 - a. a single-family residential use, a multi-family residential use, or a mixed use development is a permitted use; and

- b. if the tract is developed, the existing uses on that tract include at least one dwelling unit; or
- 4. a residential lot in a residential subdivision in the extraterritorial jurisdiction; and
- (iv) if the sign is relocated within the zoning jurisdiction, it must be within a commercial or industrial base zoning district.

Mayor Leffingwell adjourned the meeting at 6:22 p.m. without objection.

The minutes for the regular meeting of December 17, 2009 were approved on this the 14th day of January 2010 on Council Member Spelman's motion, Council Member Shade's second on a 7-0 vote.